IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION PETITION NO.195 OF 2004

M/s.Ami Impex. ...Petitioner.

vs.

M/s.P.R.Shah Share Stock Brokers Pvt.Ltd. ..Respondent.

Mr.D.D.Madan with S.S.Purohit i/b. Nankani & Associates, for Petitioner.

Mr.S.U.Kamdar i/b. S.K.Jain, for Respondent.

CORAM: D.K.DESHMUKH,J.

DATED: 11th September,2006.

P.C.:-

By consent of parties, the petition is disposed of in the following terms:-

1. The Award made by the original arbitral tribunal as also the Appellate Tribunal, are set aside.

2. The Stock exchange to refer the matter to the original arbitral tribunal immediately.

3. The petitioner to file written statement to the statement of claim filed by the Respondent within a period of three weeks from today with a copy to the respondent.

4. Thereafter, the respondent shall be at liberty to amend the statement of claim if so advised within a period of four weeks of receiving the written statement.

5. In case the respondent amends the statement of claim, the petitioner shall be entitled to amend his written statement. That amendment to be carried out within a period of four weeks from the amendment made in the statement of claim by the respondent. Thereafter, the Arbitrator shall permit the parties to file their documents.

6. The learned Counsel appearing for both the sides have stated before me that both the sides intend to lead oral evidence. The Arbitral Tribunal shall permit both the sides to lead oral evidence and thereafter, shall make a fresh award. In making a fresh award, the Arbitral Tribunal shall not be influenced either by the award made previously by the arbitral tribunal or the orders made by this court.

7. It is clarified that the respondent has given inspection of the

documents relied on by the respondent to the petitioner. In case during the proceedings after this remand, the respondent relies on any new document, the petitioner shall be entitled to seek inspection of only those documents.